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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,295	11/13/2001	Linda Ann Roberts	BELL-0130/01183	2697

38952 7590 03/19/2004
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EXAMINER

MCALLISTER, STEVEN B

ART UNIT PAPER NUMBER

3627

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,295

Applicant(s)

ROBERTS ET AL.

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 6, 7, 9, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Murcko, Jr.(6,578,014).

Murcko shows providing a shipping with an opportunity to select a notification option (see attached excerpt); receiving electronic purchasing information from the shopper containing an electronic request to purchase goods, and optionally supplied notification information; recognizing an occurrence of a triggering event, such as a change in the status of a transaction; and notifying the shopper if he elected the notification option and provided contact information.

Murcko, in practicing the method shows all elements of the claimed software and apparatus.

Claims 12-15 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Suzuki et al (6,470,323).

Regarding claim 12, Suzuki shows a server 1 with an interface connected to a network 2 (see Fig. 1). It inherently shows a process engine capable of receiving

purchasing and notification information, and recognizing a triggering event since the server of Suzuki accomplishes those functions and a computer system cannot do so without a processing engine. It is noted that such a processing engine is capable of providing a shopper with an option to supply notification information.

Alternatively, claim 12 shows all elements of the claim except that the processing engine is capable of providing a shopper with an option to supply notification information. However, it is notoriously old and well known in the art to do so. One of ordinary skill in the art would use a processing engine capable of providing an option to the user to provide contact information in order to protect customer privacy and in order to avoid losing sales to customers who are unwilling to provide mandatory contact information.

As to claim 13, Suzuki shows a data storage facility in communication with the processing engine that stores data. It is inherent that it stores the notification information since the system notifies the customer when goods arrive and it must have notification information to do so.

As to claim 14, it is noted that Suzuki contains a shopper profile comprising the customer utilization history associated with the electronic request and operatively associated with customer notification information as described regarding claim 13.

As to claim 15, it is inherent that Suzuki has a message routing agent adapted to receive notification information since the system routes customer messages and must receive notification information to do so.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,470,323) in view of Murcko, Jr. (6,578,014).

Suzuki shows receiving electronic purchasing information from a shopper via a network 2 containing an electronic request to purchase goods. It inherently shows providing notification information since the customer is later contacted by the system. Suzuki also shows recognizing the occurrence of a triggering event that affects the performance of the electronic request comprising the arrival of merchandise that was out of stock. It further shows notifying the shopper of the triggering event via the communication pathway. Suzuki does not show that the notification information is provided optionally. Murcko, Jr. shows providing the shopper an option to receive notification. It would have been obvious to one of ordinary skill in the art to modify the method of Suzuki by providing a notification option as taught by Murcko in order to promote customer satisfaction by allowing him to tailor the shopping experience to his liking.

Regarding claim 7, it is noted that system of Suzuki in view of the well known prior art shows all elements of the claim.

3. Claims 2, 3, 6, 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,470,323) in view of Murcko, Jr. as relied upon in claims 1 and 7 and further in view of Roberts et al (6,101,486).

Suzuki shows, in addition to the elements of claim 1, a customer profile associated with the electronic request. It further inherently shows accessing notification information since it shows contacting the shopper. It does not explicitly show that the notification information is associated with the shopper profile. Roberts shows a customer profile with notification comprising an email address. It would have been obvious to one of ordinary skill in the art to modify the method of Suzuki by associating an email address as taught by Roberts with the customer profile to allow automated contact via the internet.

4. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,470,323) in view of Murcko, Jr. as relied upon in claims 1 and 7 and further in view of "Presence: the Best Thing That Ever Happened to Voice" (hereafter Presence).

As to claims 4 and 10, Suzuki shows all elements of the claim except notification information comprising presence information. Presence shows notification information comprising presence information. It would have been obvious to one of ordinary skill in the art to modify the method of Suzuki by using presence information in order to

determine how the person would prefer to be contacted, therefor creating greater customer satisfaction.

As to claims 5 and 11, it is noted that Suzuki in view of Presence shows notification information representative of a plurality of pathways with each having a preferred rank (see second paragraph of page 1 of Presence).

Response to Arguments

Applicant's arguments filed 3/3/04 have been fully considered but they are not persuasive.

Regarding arguments to claims 12-15, it is noted that the "for..." clauses in the claims are interpreted as intended use of the apparatus and are not further limiting. However, assuming they were to be limiting, the missing element – providing an option, is old and well known.

Regarding, arguments to the remainder of the claims, they are considered moot in light of the new rejection.

If the applicant has any questions or concerns, he is invited to contact the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven B. McAllister